

Anthony D. Sanders-EL
#06132-007-C-1-211L
Federal Correctional
Institution-EDG.
P.O. Box 725
Edgefield, South Carolina
29824
pro se,

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2009 MAY 28 P 12:15

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF
SOUTH CAROLINA

Anthony D. Sanders,
Plaintiff,

vs

UNITED STATES DEPT. OF JUSTICE
FEDERAL BUREAU OF PRISONS
Defendants,

CIVIL CASE # _____

COMPLAINT UNDER THE
FREEDOM OF INFORMATION ACT
AND PRIVACY ACT

5 U.S.C. §552 and 5 U.S.C. §552(a)

Comes now, Anthony D. Sanders-EL, plaintiff, pro se, and states the following as his cause of action:

1.) This is an action under the Freedom of Information Act (FOIA), 5 U.S.C. §552, and the Privacy Act (PA) 5 U.S.C. §552a, to order the production of agency records previously requested by plaintiff pursuant to the above-referenced acts and which request have been ignored or denied by the defendant agency.

>>>JURISDICTIONAL STATEMENT<<<

2.) This Court has jurisdiction over this action pursuant to 5 U.S.C. §552(a)(4)(B) and 5 U.S.C. §552a(g)(1)(D);(g)(3)(B);(g)(4)(A) and (g)(4)(b).

3.) The defendant is a Department of the Executive Branch of the United States Government and has among its constituent agencies, the Federal Bureau of Prisons (BOP) herein also named as a defendant.

4.) The defendant BOP is an agency within the meaning of the term "agency" as that term is used in the Freedom of Information and Privacy Acts, and it has possession of, and control over the records that plaintiff seeks.

- 5.) The defendant BOP is responsible for the care and confinement of District of Columbia Code offenders who are committed to its custody. The BOP maintains records on District of Columbia code inmates of Federal and Correctional Institutions. The BOP also maintains records relating to the Administration of the BOP.
- 6.) The Plaintiff is a District of Columbia code offender, sentenced in the District of Columbia Superior Court and committed to the custody and care of the BOP. The plaintiff is presently confined in the BOP., Federal Correctional Institution-Edgefield (F.C.I.-EDG.), Edgefield, South Carolina. He is the requester of the withheld records.

>>>COUNT 1<<<

- 1.) The allegations contained in paragraphs 1 through 6 of the above are incorporated herein as though fully set forth herein.
- 2.) The following is a list of the requestes made by plaintiff to the defendant agency and disposition:
- 3.) On 14th day of April 2008, anno domini, at Edgefield, SC, plaintiff mailed a FOIA/PA request to the defendant agency specifically requesting documentation that will verify:
- a.) Federal Bureau of Prisons, Federal Correctional Institution-Edgefield, Supervisory Inmate Specailist, SANDRA K. LATHROP has a duly filed "Oath of Office".
 - b.) SANDRA K. LATHROP competence to execute the duties of her office as Federal Bureau of Prisons, Federal Correctional Institution-Edgefield, "Supervisory Inmate Systems Specialist".
 - c.) Under what section (for example: 22-3202(a)(1);(a)(2);(b);(c)) of the District of Columbia Criminal Code 22-3202 (Additional Penalty For Committing Crime When Armed) prohibits Federal Correctional Institution-Edgefield, Inmate Anthony D. Sanders, #06132-007, from receiving a "Reduction" in his "sentence computation"/"Minimum and Maximum" terms of imprisonment pursuant to District of Columbia Code §24-429-Educational Good Time.

- 4.) On 24th day of July 2008, anno domini, a response was received in the form of the standard "10 day letter" assigning a request # 2008-09123.
- 5.) On 13th day of August 2008, anno domini, the BOP did knowingly and intentionally neglected, failed, and refused to honor the plaintiffs FOIA/PA request.
- 6.) On 22nd day of September 2008, anno domini, at Edgefield, SC, the plaintiff elected to treat the failure of the BOP to responsibly respond to the plaintiff's request as a denial of his request and did file a Freedom of Information and Privacy Appeal, all in compliance with the provisions of 28 CFR §16.9.
- 7.) On 10th day of November 2008, anno domini, plaintiff was advised by the Office of Information and Privacy that his Administrative Appeal was received on 4th day of november 2008 and had been assigned #09-0214.
- 8.) On 4th day of February 2009 anno domini, plaintiff was advised by the Office of Information and Privacy that his administrative appeal had been remanded for futher processing of the records responsive to his request, and for a further search for responsive records.
- 9.) on 21st day of April 2009 anno domini, at Edgefield, SC plaintiff mailed a letter of "Inquiry" to the BOP concerning the status of the records responsive to his request but no responsive records were sent.
- 10.) Over ten (10) working days have passed since the BOP received plaintiff's FOIA/PA remanded request and he has not received the responsive records and documents as indicated in paragraph 3. The agency has not claimed any exemptions from non-disclosure that are identifiable under the FOIA or the Privacy Act.
- 11.) Plaintiff has a statutory right to (public information) records that he seeks, and there is no legal basis for the defendant's refusal to disclose them to him. Plaintiff has made a showing that the BOP has improperly withheld agency records.
- 12,) Therefore, Plaintiff prays that this Court:

(1) Declare that defendant's refusal to disclose the records requested by plaintiff is unlawful;

(2) Issue an order to prevent the BOP from relying on their invalid practice of not responding at all to FOIA/PA requests and/or remanded requests;

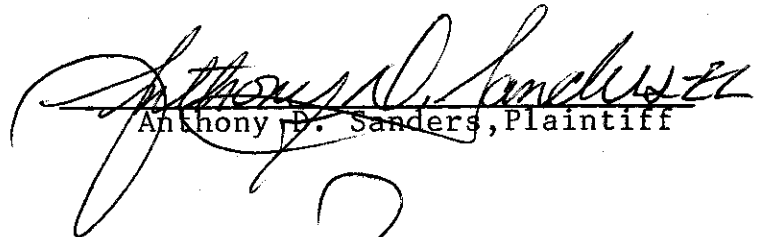
(3) Make a written finding that the circumstances surrounding the with holding raise question whether there has been arbitrary or capricious agency action and make a referral of the matter for investigation to the Merit System pursuant to subsection (a)(4)(F);

(4) Award plaintiff his cost and resonable attorney's fees in this action;

(5) Expedite lawsuit pursuant to 28 U.S.C. §1657(a); and

(6) Grant such other and further relief as the Court may deem just and proper.

Done this 26 day of May 2009, anno domini, at Edgefield, South Carolina.


Anthony P. Sanders, Plaintiff

This document is hereby filed on the 27 day of May 2009, anno domini, pursuant to the holding in Houston v. Lack, 487 US 266 (1988), by placing it in the prison legal mail receptacle designated for outgoing mail.

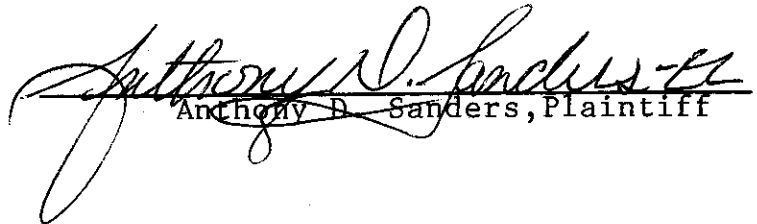
>>> ATTESTATION <<<
FOIA/PA COMPLAINT

UNITED STATES DISTRICT COURT
SOUTH CAROLINA

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Comes now, Anthony D. Sanders-EL, Plaintiff, pro se, in the above entitled cause of action, and upon his affirmation does declare and state that the allegations contained in the foregoing complaint are true and correct and that he does so state under the pains and penalty of perjury.

This 26 day of May 2009, anno domini, at Edgefield, SC.


Anthony D. Sanders, Plaintiff